



SUPREME COURT OF ARIZONA

SARAI DIAZ BALDWIN, an) Arizona Supreme Court
individual,) No. CV-18-0159-AP/EL
)
Plaintiff/Appellee/) Maricopa County
Cross-Appellant,) Superior Court
) No. CV2018-008829
v.)
)
RAY D. MARTINEZ, an individual;)
MICHELE REAGAN, in her official)
capacity as the Secretary of)
State of Arizona; ADRIAN FONTES,)
in his official capacity as the)
Maricopa County Recorder;)
MARICOPA COUNTY BOARD OF)
SUPERVISORS, in their official)
capacity,)
)
Defendants/Appellants.)
)
_____)

DECISION ORDER

The Court, by a panel consisting of Chief Justice Bales, Justice Pelander, Justice Bolick, and Justice Gould, has considered the briefs of the parties, the record, the trial court's ruling, and the relevant statutes and case law in this expedited election matter. After consideration, the Court affirms the trial court's order entered June 19, 2018.

First, Appellant/Cross-Appellee Ray D. Martinez argues that Appellee/Cross-Appellant Saria Diaz Baldwin did not establish her standing to bring this challenge. "Any elector may challenge a candidate for any reason relating to qualifications for the office

sought as prescribed by law” A.R.S. § 16-351(B); *see also* § 16-121 (defining “qualified elector”). In her complaint, Baldwin specifically alleged she is a qualified elector of Maricopa County who intends to vote in the primary election for Legislative District 30. Because the record casts no doubt on those allegations and Martinez did not challenge Baldwin’s standing in the trial court until after the close of evidence, we reject his argument as untimely, especially considering Baldwin’s offer to reopen the case to testify if her standing were an issue.

Second, Martinez filed certain nomination petitions reflecting that the electors were nominating him for the office of “Senator,” without further specifying it was for state senator for District 30, and the trial court invalidated ninety-eight signatures on that basis. Martinez challenges this determination.

“In determining whether a nomination petition form substantially complies with the statutory requirements, this [C]ourt has focused on whether the omission of information could confuse or mislead electors signing the petition.” *Bee v. Day*, 218 Ariz. 505, 507 ¶ 10 (2008) (quoting *Moreno v. Jones*, 213 Ariz. 94, 102 ¶ 42 (2006)). Because electors could have been confused about the office for which they were nominating Martinez (i.e., the Democratic nomination for state versus U.S. senator), we affirm the trial court’s decision invalidating the ninety-eight signatures.

Third, Martinez challenges the trial court’s admission into

evidence of the Maricopa County Recorder's Office Amended Certification and its conclusion that 105 signatures were invalid due to a discrepancy between signatures on the petitions and the county's registration records. Baldwin also offered, but the trial court refused to admit, thirty-five declarations of electors who claimed that the signatures on the nomination petitions were not theirs. Sixteen of these electors were among the 105 for whom the county recorder's independent review concluded the signatures were invalid.

We review the trial court's findings of fact for an abuse of discretion and will leave them undisturbed unless they are clearly erroneous. *Shooter v. Farmer*, 235 Ariz. 199, 200 ¶ 4 (2014). We likewise review for abuse of discretion a trial court's evidentiary rulings. *State v. Tucker*, 205 Ariz. 157, 165 ¶ 41 (2003).

The trial court did not abuse its discretion in admitting the county recorder's Amended Certification, see Ariz. R. Evid. 902(1) (recognizing as self-authenticating domestic public documents that are sealed and signed), in excluding the thirty-five declarations offered by Baldwin, or in concluding that 105 signatures were invalid because of the signature discrepancy. Given these conclusions, we need not reach other issues raised in Baldwin's cross-appeal (including whether certain petitions were invalid because two circulators were allegedly convicted felons or the petitions contained forged signatures).

IT IS THEREFORE ORDERED affirming the trial court decision.

IT IS FURTHER ORDERED that the Maricopa County Board of Supervisors and County Recorder shall exclude Ray D. Martinez's name from the Democratic ballot for the office of state senator for Legislative District 30 for the August 28, 2018 primary election.

DATED this 2nd day of July, 2018.

/s/
SCOTT BALES
Chief Justice

TO:

Roy Herrera
Daniel A Arellano
William M Fischbach III
Marcos A Tapia
Amy D Sells
Vineet Mehta Shaw
Karen J Hartman-Tellez
M Colleen Connor
Hon Chris DeRose
Hon Joshua D Rogers